IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Bail Appl..No. 2343 of 2007()

C.R.NO.11 OF 2007 OF KALPETTA EXCISE RANGE

PETITIONER/ACCUSED

M.PRABHAKARAN, AGED 50 YEARS,
S/O. KUMARAN, MUNDANIL VEEDU,
THRIKKAIPETTA, VYTIRI.

BY ADV. SRI.A.C.DEVY

RESPONDENT: STATE

THE STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, KALPETTA EXCISE RANGE,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

B.A. NO. 2343 OF 2007

Dated this the 17th day of April, 2007

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the accused in C.R. No.11 of 2007, Kalpetta Excise Range. The offence alleged against him is under Section 8(i) and 8(ii) of the Abkari Act.

3. The petitioner moved an application for bail before the Court of the Chief Judicial Magistrate, Kalpetta, Wayanad, but the same was dismissed by the order dated 9.4.2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned counsel for the petitioner that the petitioner was arrested on 7.4.2007 and he is

undergoing detention. It is stated that the wedding of the petitioner's daughter is fixed to be held on 13.5.2007 and if the petitioner is detained, it will cause great inconvenience and prejudice not only to him but to his family members as well. The prosecution case is that the petitioner was found in possession of two litres of arrack.

Considering the facts and circumstances of the case and also the circumstance that the wedding of the daughter of the petitioner is fixed to be held on 13.5.2007, I am inclined to grant bail to the petitioner with a direction to release him on 25.4.2007. The petitioner shall be released on bail on 25.4.2007 on condition that he executes a bond for Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the Chief Judicial Magistrate, Kalpetta, Wayanad.

(K.T.SANKARAN)
Judge

ahz/